

## Environmental Protection Agency

## § 52.876

(A) Letter from BPU to KDHE dated December 11, 1992, regarding compliance verification methods and schedules.

(30) On February 17, 1995, the Secretary of the Kansas Department of Health and Environment (KDHE) submitted for approval numerous rule revisions which add and revise definitions, revise the Kansas construction permit program, and create a class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules K.A.R. 28-19-7 effective November 22, 1993; K.A.R. 28-19-8 effective January 23, 1995; K.A.R. 28-19-14 effective January 24, 1994; and the revocation of K.A.R. 28-19-14a effective January 23, 1995; and the revocation of K.A.R. 28-19-14b effective January 24, 1994.

(B) New rules K.A.R. 28-19-204, 212, 300, 301, 302, 303, 304, 400, 401, 402, 403, 404, 500, 501, 502, 540, 541, 542, 543, 544, 545, 546, 561, 562, and 563 effective January 23, 1995.

(31) On May 11, 1995, the Kansas Department of Health and Environment submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) Incorporation by reference.

(A) Kansas City Ozone Maintenance State Implementation Plan Revision: Emissions Inventories and Motor Vehicle Emissions Budgets for the Kansas City Metropolitan Area, adopted on May 11, 1995.

(32) A Plan revision was submitted by the Kansas Department of Health and Environment (KDHE) on June 6, 1996, which incorporates by reference the EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans, and which revokes old and adopts new open burning regulations.

(i) Incorporation by reference.

(A) Regulation K.A.R. 28-19-800, adopted by the Secretary of the KDHE on February 21, 1996, effective March 15, 1996.

(B) Regulations K.A.R. 28-19-645 to K.A.R. 28-19-648, adopted by the Secretary of KDHE on February 6, 1996, effective March 1, 1996.

(C) Regulations K.A.R. 28-19-45 to K.A.R. 28-19-47, revoked by the Secretary of KDHE on February 6, 1996, effective March 1, 1996.

(33) A revision to the Kansas SIP was submitted by the Kansas Department of Health and Environment on May 23, 1997, pertaining to fuel volatility.

(i) Incorporation by reference.

(A) K.A.R. 28-19-79, Fuel Volatility, effective May 2, 1997.

(d) Plan revisions were submitted on April 17, 1974, and February 17, 1974.

[37 FR 10867, May 31, 1972. Redesignated at 64 FR 7097, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.875, see the List of CFR Sections Affected, which appears in the Finding Aids sections of the printed volume and on GPO Access.

### § 52.876 Compliance schedules.

(a) The requirements of § 51.260 and of § 51.15(a)(2) of this chapter as of September 19, 1976 (40 FR 43216), are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Paragraphs C and D of Kansas Regulation 28-19-9 specify that all sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, paragraphs C and D of Regulation 28-19-9 are disapproved.

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (2) of this paragraph (b), the owner or operator of any stationary source subject to any emission regulation which is part of the approved plan shall be in compliance on or before January 31, 1974.

(i) Any owner or operator in compliance with any such applicable regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with any such applicable regulation after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to any emission regulation approved by the Administrator may no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with such regulation as expeditiously as practicable, but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control sys-

tems; performance tests; and submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(c) *State compliance schedules.* (1) [Reserved]

(2) The compliance schedules identified below are disapproved as not meeting the requirements of § 51.102 or subpart N of this chapter. All regulations cited are air pollution control regulations of the state, unless otherwise noted.

## KANSAS

Source	Location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc.: sand blasting .....	Chanute .....	28-19-50 .....	Dec. 14, 1973.
Kansas City Power & Light, coal transfer houses .....	LaCygne .....	28-19-50 .....	Nov. 22, 1974.
Pence Food Center, incinerator .....	Chanute .....	28-19-40 .....	Do.
Rodney Milling Co.:			
"A" house gallery and tunnel system .....	Topeka .....	28-19-50 .....	Do.
"B" & "C" house gallery .....	.....do .....	28-19-50 .....	Do.
Western Alfalfa Corp., alfalfa dehydrator .....	Deerfield .....	28-19-20 .....	Do.
Do .....	Tice .....	28-19-20 .....	Do.
Pence Food Center, incinerator .....	Humboldt .....	28-19-40 .....	Do.
Sherwin-Williams Chemicals, Ozark P.M. Mill .....	Coffeyville .....	28-19-50B .....	Oct. 8, 1974.
Continental Grain Co., rail car loading .....	Hutchinson .....	28-19-50 .....	Aug. 15, 1974.
Far-Mar-Co, Inc., headhouse cyclones .....	Topeka .....	28-19-50 .....	Sept. 5, 1974.
Do .....	Hutchinson .....	28-19-50 .....	Aug. 15, 1974.
Western Iron & Foundry, cupola .....	Wichita .....	28-19-20A, 28-19-50A.	Oct. 4, 1974.
Kansas Army Ammunition Plant, open burning .....	Parsons .....	28-19-45 .....	Jan. 24, 1975.
Reid Grain, headhouse .....	Goodland .....	28-19-50 .....	Do.
Sherwin-Williams Chemicals, black ash kiln .....	Coffeyville .....	28-19-50A .....	Do.
Cooperative Farm Chemicals, No. 1 NH <sub>4</sub> NO <sub>3</sub> 99-percent evaporator and prilling tower.	Lawrence .....	28-19-20 .....	Mar. 28, 1975.
Sherwin-Williams Chemical Co., oxide calciner exhaust .....	Coffeyville .....	28-19-50A .....	Do.
Kaw Dehydrating Co., alfalfa dehydrator .....	Lawrence .....	28-19-20 .....	Do.
Empire Dist. Electric Co.: Boilers Nos. 7 and 8 .....	Riverton .....	28-19-31C .....	May 23, 1975.
Gulf Oil Chemicals Co.: Coal-fired boiler .....	Pittsburg .....	28-19-31 .....	Do.
Kansas City Power & Light: Main boiler .....	La Cygne .....	28-19-31B .....	Do.
Mid-America Dairyman: Spray dryers Nos. 1 and 2 .....	Sabetha .....	28-19-20 .....	Do.
Tower Metal Products: Reverberatory furnace C .....	Fort Scott .....	28-19-50A .....	Do.
U.S. Steel—Universal Atlas Cement .....	Independence.		
Clay storage bin .....	.....	28-19-50A .....	Do.
Stone storage bin .....	.....	28-19-50A .....	Do.
Krupp Ball Mill No. 2 .....	.....	28-19-50A .....	Do.
Krupp Ball Mill No. 3 .....	.....	28-19-50A .....	Do.

[37 FR 19809, Sept. 22, 1972]

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